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F A C S I M I L E T R A N S M I S S I O N C O V E R S H E E T

DATE: October 27, 2005

TO: **Commissioner for Patents
Attention: Examiner Neil S. Levy**

COMPANY: **United States Patent and Trademark Office
Washington, DC 20231**

FACSIMILE NO.: **(571) 273-8300**

FROM: **Matthew S. Goodwin**

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NUMBER OF PAGES INCLUDING THIS COVER SHEET: **6**

COMMENTS: **Response to Office Action dated October 24, 2005.**

- ☒ Fee Transmittal for Supplemental IDS
☒ Form 1449
☒ Charge to Deposit Account 10-0750/ETH1572/MSG

Applicant: **Steven C. Arnold, et al.** Examiner: **Neil S. Levy**
Serial No.: **09/896,004** Art Unit: **1616**
Filed: **6/29/2001** Docket No.: **ETH1572**
FOR: **:COMPOSITIONS AND MEDICAL DEVICES UTILIZING BIOABSORBABLE
POLYMERIC WAXES**

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Printed Name: **Cecelle Solomon**

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Date: **October 27, 2005**

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Docket No. ETH1572

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Steven C. Arnold, et. al.

Serial No. : 09/896,004

Art Unit: 1616

Filed : June 29, 2001

Examiner: N.S. Levy

For : COMPOSITIONS AND MEDICAL DEVICES UTILIZING
BIOABSORBABLE POLYMERIC WAXES AND RAPAMYCIN

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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Matthew S. Goodwin

(Name of applicant, assignee, or registered representative)

/Matthew S. Goodwin/

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October 27, 2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

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information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with \$1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ETH1572/MSG the fee of \$180.00 as set forth in \$1.17(p).

☒ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☒ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1572/MSG. This form is submitted in triplicate.

Respectfully submitted,
/Matthew S. Goodwin/

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DATED: October 27, 2005

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/896,004
Filing Date	June 29, 2001
First Named Inventor	Steven C. Arnold
Group Art Unit	1616
Examiner Name	N.S. Levy
Attorney Docket Number	ETH1572

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		10/322,177		S. C. Arnold, et al.	12/18/2002	
		10/112,201		A. Nathan, et al.	03/29/2002	
		10/112,554		A. Nathan, et al.	03/29/2002	
		10/162,933		A. Nathan	06/05/2002	
		10/178,970		A. Nathan	06/25/2002	
		10/322,132		A. Nathan	12/18/2002	
		10/322,154		A. Nathan	12/18/2002	
		10/324,768		A. Nathan	12/20/2002	
		10/323,367		A. Nathan	12/19/2002	
		10/183,260		J. Rosenbatt, et. al.	06/28/2002	
		2001/0007771		Sullivan, et. al.	05/29/1997	
		2001/0021377		Jamolkowski, et. al.	04/10/2001	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁴
		Office ³	Number ⁴	Kind Code ⁵				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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